

News on Developmental Disabilities



Area Connection

May 2004



Area Board 6, 2529 W. March Lane, Ste. 105, Stockton, CA 95207 (209) 473-6930; info@areaboard6.org; www.areaboard6.ca.gov

Area Connection is a publication of the Area 6 Developmental Disabilities Board. Area boards are established under state law as a program of the **State Council on Developmental Disabilities**. They protect and advocate the rights of persons with developmental disabilities, and conduct local advocacy, capacity building and systemic change activities. Area Board 6 serves Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne counties.

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May Revision of Governor's Budget

The Governor's revised State Budget, called the May Revision, describes the Administration's plan to control spending while continuing to provide essential services to those most in need. The following is a list of some of the key changes to preserve services:

~ **In-Home Supportive Services (IHSS):** The Administration has submitted a waiver to obtain federal Medicaid support, which "... restores funding to the IHSS Residual Program, which helps pay for services provided by family members to enable aged, blind, or disabled adults, as well as children, to stay in their own home." (Health and Human Services Agency Summary)

~ **Medi-Cal Provider Rate Reduction:** Drops the proposal for a 10% rate reduction for Medi-Cal providers.

~ **Healthy Families Program (HFP):** Drops the proposal to cap HFP enrollment.

~ **Children's Medical Services (CMS):** Drops the proposal to have an enrollment cap for California Children's Services.



Many items that were in the January Budget remain in the May Revision that the Administration describes as reforms, but advocates consider cuts:

~ **IHSS.** Several proposals could affect the quality of service. The State would not pay more than minimum wage (\$6.75/hour) for IHSS workers' wages, resulting in less pay and a general decline in quality of services as more qualified workers

seek better paying work. There would no longer be a requirement for an employer of record, Public Authorities, or Advisory Committees. Collective bargaining is dependent on having an employer of record with whom workers can negotiate. The need assessment process used to determine hours of service for IHSS recipients would be rewritten, assuming a 5% reduction in hours.

~ **Regional Centers.** The statewide Purchase of Service Standards and the authorizing trailer bill language remain, although the estimated savings, or cuts, if you will, from this reform/proposal, have been re-estimated at \$15.4 million from the original estimate of \$100 million. Some advocates are concerned that the trailer bill language

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Budget Revision

gives the DDS Authority to implement more stringent service reductions and limits at a later date. The Parental Share of Cost Plan also remains in the Budget.

For more information, please go to our website at www.areaboard6.ca.gov for links to key sources of information on the Budget.

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IDEA Reauthorization

The Senate has voted to reauthorize the Individuals with Disabilities Education Act (IDEA). The bill, S.1248, now goes to conference where the Senate and House versions on IDEA Reauthorization will be reconciled.

Some websites of interest include:

www.dredf.org,
www.bazelton.org, and
www.ourchildrenleftbehind.org.

Editorial

by Robert Phillips

People with disabilities, families, and disability-rights advocates are very familiar with the budget process:

The Governor proposes a Budget in January. The Legislature examines it in committee and sub-committee hearings. Then, in May, the Governor releases his revised Budget, called the "May Revise". The Legislators continue to work their will on the Budget, crafting changes they think are needed, until a State Budget is approved by two-thirds of the Legislature, and then sent to the Governor to sign.

People also understand the democratic imperative in the budget process — that they must speak out to have their needs included. They have spoken out like never before — at least not since the late 1960's, when the Lanterman Act was being written.

People in the disability community are as politically active and involved in the budget process as any constituency in California. They communicate their concerns to the Governor and their representatives in the Legislature through rallies, marches, letters, e-mails, phone calls, and visits to legislative offices in Sacramento and their communities. Their advocacy

has been remarkably effective.

After the recall election last October, Governor Schwarzenegger proposed budget changes that would have limited the State's obligation to people with developmental disabilities. That budget stripped the "entitlement" from the Lanterman Act, with categorical cuts to services, enrollment caps, and waiting lists for regional center-funded services. People spoke out loud and clear, saying, keep the promise of the Lanterman Act. The Governor heard them and made significant changes to his original proposals.

Through the Spring, in response to the Governor's Proposed Budget of January 9, 2004, people with disabilities spoke out again. With the May Revise, they see that some, but not all, of their concerns were addressed. The Legislature has returned to its work on the revised Budget. Now people with developmental disabilities, families, and other advocates need to re-join the budget process, communicating their views on the issues they find most important.

Democracy depends on everyone speaking out — like people with disabilities and their families do.



Paul L.
Symmonds

The Advocate's Voice

New Laws for Renters

People who rent their homes or apartments now have additional resources for resolving differences with their landlords, thanks to some recent changes in California's landlord-tenant laws. These changes generally favor the tenant in certain types of disputes, and even provide for fairly stiff financial penalties to landlords who act improperly.

With the enactment of AB 647, California law now allows a tenant to sue a landlord for demanding, or collecting rent on an uninhabitable dwelling. A dwelling *may* be considered "uninhabitable" if it lacks effective weather protection, has plumbing, heating, electrical or gas systems that do not work properly, or has poor sanitation. A rental unit *must* have a working toilet, wash basin and shower (or bathtub), windows that open at least halfway, safe emergency exits, and working deadbolt locks and smoke detectors. However, the tenant must fulfill his/her own responsibilities listed in the lease or rental agreement if these conditions are to be enforced.

Another new law prohibits a landlord from trying to influence a tenant to move out of a rental unit by (1) engaging in conduct that constitutes theft or extortion, (2) using threats,

force or menacing conduct, or (3) committing a significant violation of rules that limit the landlord's right to enter. The law allows the landlord to give a tenant certain warning notices related to the lease or rental agreement without violating this law. However, intentional violations of the law allow a tenant to sue the landlord for civil penalties of up to \$2,000 for each violation.

Other changes in the law also restrict the circumstances under which a landlord may enter a tenant's rental unit. A landlord who wants to enter a rental unit to show it to a lender or contractor must give written notice in advance. And that notice must list the date, approximate time and the purpose of the entry. Exceptions to this law are made for things that can be arranged by oral agreement (repairs, services, etc.).



For many people, one of the most important changes comes in the law related to security deposits. Within three weeks (21 days) after a tenant moves, the landlord must either return the tenant's security deposit, or send the tenant an itemized statement showing the amounts of any deductions from the deposit, and the reasons for those deductions, along with a refund of any amounts not deducted. The

landlord must send receipts for items repaired or cleaned along with the itemized statement.

This law is designed to prevent disputes that may arise around the return of deposits. California law also requires that the landlord, upon the tenant's request, perform an initial inspection of the unit before the tenant moves out. So, if the landlord tells you what needs to be cleaned or repaired before a full return of your deposit before you move, you have time to do the cleaning or repair yourself, if you choose.

These are very brief views of changes in landlord-tenant laws, and should not be used as the basis for decision-making. You can find these laws in their entire form in *California Tenants—A Guide to Residential Tenants' and Landlords' Rights and Responsibilities*, which can be obtained from the California Department of Consumer Affairs, or downloaded from <http://www.dca.ca.gov/legal/landlordbook/>.

Anyone who rents has the same basic rights to privacy and security that a homeowner has. If you feel that your landlord is being unfair, or is not respecting your rights, talk to your service coordinator or your support worker about it. Remember, though, that you must also be a responsible renter. You should try to work out conflicts with your landlord before you seek legal remedies.

Join us at the Area Board Meeting!

**Tuesday, May 25, 2004, 6:00 pm
City County Administration Bldg.
1010 Tenth Street
Lower Level Training Room
Modesto**

The Area 6 Board meeting will include presentations and discussion on several items that are of particular importance to people with developmental disabilities and their families. The items are as follows:

- 1. Employment Prospects for People with Developmental Disabilities.**
- 2. May Revision of the State Budget.**

Other agenda items include reports on-

- Board Members' Suggestions and Reports
- Executive Committee
- Self-Advocacy Council VI
- Staff
- State Council on Developmental Disabilities



State of California

State Council on Developmental Disabilities
Area Board 6
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